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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

XIAOHUA MA and YUK WING WONG,

Plaintiffs,

-against-

UNITED STATES POSTAL SERVICE,
THE UNITED STATES OF AMERICA, and
KEON D. GRAVENHISE,

Defendants.

Docket Number: 1:22-cv-441

**RESPONSE TO ORDER OF
MAY 27, 2022.**

BEFORE: Hon. Roanne L. Mann
U. S. Magistrate Judge

X

Kenneth K. Ho, Esq., a member of the New York bar admitted to practice before the
Courts of New York, and admitted to practice before this Court, in response to the Court's Order
Dated May 27, 2022, states as follows:

1. On May 27, 2022, Hon. Roanne L. Mann U.S.M.J. issued the following Order:

"By Order dated May 11, 2022, the Court directed plaintiffs to file a
notice of voluntary dismissal of 22-cv-2722, Ma v. United States Postal
Service. Having failed to do so, plaintiffs must promptly cure their
omission."
2. On the same date the Order was complied with, and a copy of the discontinuance
was filed, and is annexed hereto, showing the NYCEF header.
3. The explanation for the delay is simple: Whenever we commence a second action
on any matter to preserve the Statute of Limitation, we normally wait to insure the certified mail

to the defendant is not returned “undeliverable”, which may require using the second action, and dismissing the first one voluntarily (especially when the second action has not been served on any defendant). We normally allow four weeks (and calendar the event date accordingly).

4 In short, “promptly” as used in the May 11, 2022 Order, was interpreted as immediately upon confirming proper service on the United States and the United States Postal Service.

5 However, upon receiving the Order of May 27, as stated above, the voluntary dismissal was immediately filed.

6 We sincerely apologize for any inconvenience caused.

Dated: May 28, 2022.
Flushing, NY 11354

/s/ Kenneth K. Ho

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